

DEC 08 2005

REMARKS

Upon entry of the present amendment, Claims 1-12 are pending in the application, and of these, claims 1, 2, 7, 11 and 12 are independent. Claims 1, 7 and 11 are amended herein.

The applicant gratefully acknowledges the Examiner's indication that claims 2-4, 6, 9, 10, and 12 are allowed, and that claim 8, although objected to for being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Personal Interview

A personal interview was held on November 15, 2005 between Examiner Ngo and the applicant's representative, William Blackman, who wishes to thank the Examiner for her informative remarks. In the interview, the prior art of record was discussed with respect to the claims. No agreement was reached.

In the Specification

The applicant has amended paragraphs 74-77 herein to correct minor informalities. No new matter has been added by this amendment.

Claim Rejections – 35 USC 103

At item 2 of the Office Action, the Examiner has rejected claims 1, 5, and 11 under 35 USC 103 (a) as being unpatentable over Berthiaume (6,592,415) in view of Wehle et al. (US 5,320,240) or Schlessmann et al. (5,165,565). The Examiner states that Berthiaume discloses (Figs. 10 and 11A) a watercraft comprising a fuel fill member 152 having a tubular routing structure with a stopper member, a fill cap 140; and a routing structure comprising a fuel filling portion formed at an outer end and a plural hose connecting portion at the other end (Fig. 11A). The Examiner concedes that Berthiaume does not disclose a chain having a protective tube, the chain having one end fastened to the inside of the routing structure and the other end fastened to the fill cap, but states that Wehle or Schlessmann teach a fuel cap comprising a chain having a protective tube and the chain having one end fastened to the inside of the routing structure and the other end fastened to the fuel cap. It would have been obvious to modify the Berthiaume cap with a chain having a protective tube, the chain having one end fastened to the inside of the routing structure and the other end fastened to the fuel cap as taught by Wehle or Schlessmann in order to protect the fuel cap from accidental loss.

Upon review of the references, the applicant notes that Berthiaume discloses a personal watercraft, including a deck and an engine. The engine includes a lubrication system which comprises a lubricant filler neck 132 (Figs. 10, 11, 11A) having an oil/air separator 130 incorporated therein. The filler neck 132 is attached to the deck, permits attachment of a hose from an oil tank, and includes a fill cap 140. The filler neck includes a tubular routing structure having a filling portion 152 at an outer (first) end thereof, and includes plural hose connecting portions 134, 154 at the (second) end opposed to the outer end. The second end of the filler neck includes an inner chamber 137 separate from and surrounded by an annular

outer chamber 139/141. Connecting portions 134, 154 extend perpendicularly to the axis direction of the tubular filler neck so as to communicate with the outer chamber 139/141, and provide an inlet from the oil/air return line and an air outlet, respectively. Both the inner and outer chambers 137, 139/141 discharge to the oil reservoir 120.

Wehle teaches using a braided cord to secure a cap to a fuel or lubricant tank opening because the minimal material thickness of the cord does not hinder tanking of the fuel. Wehle teaches using injection molded, shaped plastic coverings 27, 29 for the ends of the braided cord 28 to facilitate holding the flexible cord ends to the respective cap 18 or tank opening structures (filling stub 22). The applicant notes the discontinuity in the illustration of the plastic covering 27 shown in Fig. 4, whereby the length of the plastic covering 27 is unknown.

Schlessmann teaches a closure 1 for a fuel tank or the like which includes a limp connecting part 14 attached to an inner surface of the closure 1 using a rigid plastic endpiece 15. The opposing end of the connecting part 14 is retained within the fuel tank by means of a plastic somewhat v-shaped holding bracket 13. Like Wehle, Schlessmann discloses a retaining cord having hard plastic connectors formed at each end thereof for connecting the cord to the respective end structures.

The applicant respectfully disagrees with this rejection. Berthiaume does not disclose a fuel inlet apparatus as recited in the claims, but instead teaches a lubricant inlet apparatus. The applicant respectfully submits that a lubricant inlet apparatus is not interchangeable with a fuel inlet apparatus since the physical properties of fuel and lubricant are quite different, and thus the material handling structures for accommodating them are correspondingly different. In particular, the fuel inlet apparatus disclosed and claimed by the applicant includes plural hose connecting portions at an end opposed to the outer end. A first hose connecting portion,

axially aligned with the tubular routing structure, connects to a fuel line from the fuel tank, and a second connecting portion, in parallel to the first connecting portion but separate therefrom, connects to an air bleed line from the fuel tank. Both of these structures are opposed to, and extend perpendicularly to, the outer (first) end. However, Berthiaume discloses a single connecting portion on the second end, albeit with two chambers (137 and 139/141) opening thereinto. Although Berthiaume discloses additional pipe connectors (134, 154), these are positioned at an intermediate portion of the fuel filler, rather than at an end opposed to the outer end thereof, and extend in a direction transverse to the tubular routing structure.

As further examples of structural differences related to the differing use, the lubricant reservoir of Berthiaume does not disclose (or require since it is a lubricant tank rather than a fuel tank) an air bleed line connected directly between the lubricant reservoir and the fuel inlet apparatus. Berthiaume further does not disclose stop members provided within the tubular routing structure for limiting the extent to which a fuel nozzle can be inserted therein.

As regards claim 11, the applicant notes that as a result of the Jepson-style claim format, structures such as the fuel tank and the fuel supply hose between the fuel fill member and the fuel tank are positively recited in this claim and thus must be given patentable weight. The applicant respectfully submits that these structures are not obvious in view of the lubricant filler neck and lubricant reservoir of Berthiaume. Although Berthiaume discloses a fuel tank, a fuel filler neck is not disclosed by Berthiaume.

Although the applicant disagrees with the rejection of the claims, the applicant has amended claims 1 and 11 herein to promote the prosecution of the application. Specifically, claims 1 and 11 have been amended to include a stop member for limiting the movement of

the protective tube. This language is supported in the original application in paragraphs 65-67 and in Figs. 7, 8a and 8b. This feature is not disclosed or suggested in the prior art.

Based on the foregoing, claims 1, 5, and 11 are now in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

At item 3 of the Office Action, the Examiner has rejected claim 7 under 35 USC 103 (a) as being unpatentable over Berthiaume in view of Jenson (3,420,585) and further in view of Saxton (4,118,902). In the rejection, the Examiner states that Berthiaume does not disclose a chain having a protective tube, but that Jensen teaches a fuel cap comprising a chain having one end fastened to the inside of a routing structure and the other end fastened to a fuel cap, and that modification of Berthiaume to include a chain as taught by Jenson is obvious so as to prevent loss of the fuel cap. The Examiner states that Saxton teaches a chain having a protective tube spaced and separate from the fastening structure of the chain, and that it would be obvious to further modify Berthiaume to include a protective tube to preclude damage to or from the chain.

The applicant respectfully disagrees with this rejection for the reasons stated above with respect to the deficiencies of the Berthiaume reference. These deficiencies are not cured by the modifications in view of Jenson and or Saxon. In addition, although the applicant agrees that modification of Berthiaume to include a chain as taught by Jenson is obvious, the applicant does not agree that it would be obvious to include a protective cover as taught by Saxton. Saxton is directed to a theft deterrent anchor for furniture comprising a covered chain. According to the MPEP section 4141.01(a), "in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of the

applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." The applicant submits that Saxton is neither in the field of the applicant's endeavor nor reasonably pertinent to the problem addressed by the inventor.

However, in order to further promote the prosecution of the application, the applicant has amended claim 7 herein to include the limitations recited in claim 8. Since claim 8 has been indicated by the Examiner to include allowable subject matter, claim 7 is now in condition for allowance.

At item 4 of the Office Action, the Examiner has rejected claims 1, 5, 7 and 11 under 35 USC 103 (a) as being unpatentable over Harris et al (4,836,853) in view of Jenson (3,420,585) and further in view of Saxton (4,118,902). The Examiner states that Harris discloses, in Fig. 9, a fuel inlet apparatus comprising a fuel fill member 132 having a tubular routing structure and a stopper member, and a fill cap 70, the routing structure comprising a fuel filling portion formed at an outer end and plural hose connecting portions at the other end, wherein each of the plural hose connecting portions extends in parallel to the tubular routing structure and opens directly thereinto. The Examiner notes that Harris does not disclose a chain as claimed, but states that Jensen teaches a fuel cap comprising a chain having one end fastened to the inside of a routing structure and the other end fastened to a fuel cap, and that modification of Harris to include a chain as taught by Jenson is obvious so as to prevent loss of the fuel cap. The Examiner states that Saxton teaches a chain having a protective tube spaced and separate from the fastening structure of the chain, and that it would be obvious to further modify Harris to include a protective tube to preclude damage to or from the chain.

The applicant respectfully disagrees with this rejection. The applicant agrees that Harris discloses a fuel inlet apparatus for a motor vehicle including a tubular routing structure within a fuel fill member as well as a fuel cap. However, the applicant disagrees that it would be obvious to modify the fuel inlet apparatus using the teaching of Jenson, which is directed to an oil hole cover. As discussed above with respect to the Berthiaume reference, the teachings of art related to lubricant systems are not directly applicable to the fuel inlet art. In addition, the applicant disagrees that it would be obvious to modify Harris to include the chain as claimed since Harris is directed to a vacuum-actuated vapor recovery system, and the presence of the chain member within the fuel inlet device would interfere with the proper vacuum sealing (see seal member 92) of the Harris invention, whereby the invention would be rendered non-functioning.

The applicant further disagrees that it would be obvious to include a protective cover as taught by Saxton. As stated above, Saxton is directed to a theft deterrent anchor for furniture comprising a covered chain. According to the MPEP section 4141.01(a), "in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." The applicant submits that Saxton is neither in the field of the applicant's endeavor nor reasonably pertinent to the problem addressed by the inventor.

However, as previously discussed, claims 1, 7 and 11 have been amended herein to more clearly define the applicant's invention. Thus, claims, 1, 5, 7, and 11 are now in condition for allowance, and reconsideration and withdrawal of the rejections is respectfully requested.

Allowable Subject Matter

At items 5 and 6 of the Office Action, the Examiner has indicated that claims 2-4, 6, 9, 10 and 12 are allowed, and that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicant has included the subject matter of claim 8 in independent claim 7 as amended herein, and has further canceled claim 8 without prejudice or abandonment of the subject matter thereof. Claim 7 is now in condition for allowance.

Conclusion

Applicant respectfully suggests that as presently amended, all of the pending claims are believed to be allowable.

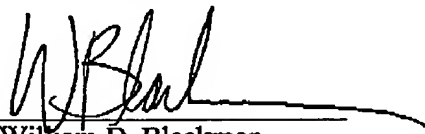
It is applicant's contention that no possible reading of the references, either singly or in any reasonable combination, can be viewed as teaching applicant's claimed invention.

For all of the above mentioned reasons, applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application.

Favorable consideration is respectfully requested.

Respectfully submitted,

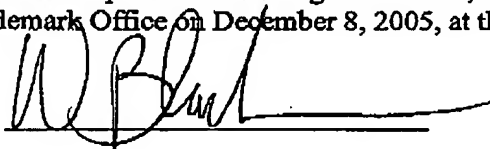


William D. Blackman
Attorney for Applicant
Registration No. 32,397
(248) 344-4422

Customer No. 21828
Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
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